

The articles were alleged to be misbranded in that the statements, designs, and devices appearing on the bottle label and carton and in the circular were statements regarding their curative or therapeutic effects and were false and fraudulent. The statements in the labeling were as follows: (Vino San Lazaro, bottle and carton, English translation of the Spanish) "Vino San Lazaro (Saint Lazarus Wine) Contains: 236 cc Shake Before Using Dose for adults: 3 tablespoonfuls a day. It well deserves the place of preference in the household. Any person with a concern for the health of his family should prefer this wine which has been used with success for more than a quarter of a century in the civilized countries. Read the instructions. Shake before using. Sold in all pharmacies of Cuba, Mexico, Santo Domingo and Porto Rico. Guaranteed by the Centilac Co. San Juan, P. R."; (circular) "Vino San Lazaro (Saint Lazarus Wine) Combats with success the anemia and chlorosis, purifies the blood, increases the red corpuscles. Old people recover their strength by using it and their physical and mental powers return. It is also recommended in decay, consumption, debility and neurasthenia. It serves as an ideal preventive, increases the bodily resistance to catarrhs and disorders of the chest. It invigorates the entire organism, enabling it to resist the onset of bronchial diseases. Its good results have been tested in the coughs of old persons. These coughs have rapidly disappeared with the first bottle. This powerful tonic will give you the physical energy and mental alertness of perfect health—the capacity for the conquest of life. It enriches the blood, restores the wasted tissues, soothes the excited nerves, induces restorative sleep, revives the appetite and strengthens the digestion. In short, it will place new life, new vigor and new energy in every fibre of your being. Dose for adults; 2 tablespoonfuls a day"; (Remedio San Lazaro, bottle and carton) "Remedio San Lazaro (Saint Lazarus Remedy) Contains: 236 cc It well deserves the place of preference in the household. Any person with a concern for the health of his family should prefer this remedy which has been used with success for more than a quarter of a century in the civilized countries. This patented remedy may be taken at any season of the year. It does not affect the heart or the kidneys. Read the instructions. Shake before using. Sold in all the pharmacies of Cuba, Mexico, Santo Domingo and Porto Rico. Guaranteed by The Centilac Co. San Juan, P. R."; (circular) "Remedio San Lazaro (Saint Lazarus Remedy) The Remedio San Lazaro is now sold in the five continents of the world and the demand for it is due to the fact that, in contrast to the iodated preparations, it does not irritate the throat, does not attack the teeth and does not affect the heart and kidneys. The demand for it is also due to the fact that it does not contain irritating substances and that it is not a palliative which alleviates but a remedy of vigorous action. The Remedio San Lazaro may be used at any season of the year. Dose for adults: three tablespoonfuls a day taken in the following manner: one tablespoonful after breakfast in the morning, which may be dissolved in a little water. Another tablespoonful is taken a half hour before the noonday meal in the same manner. The dose may be increased in some cases to 4 tablespoonfuls a day, according to medical prescription. Children from 6 to 12 years of age will take a tablespoonful before the two principal meals." All labels bore the following design: The figure of a monk, swords, and a dagger suspended over his head, his head bowed and hands clasped, his face and hands disfigured with sores. Prominently displayed below as part of the names were the words "San Lazaro," the patron saint of lepers. A hand, also disfigured by sores, and several medals completed the design.

On October 4, 1938, West Indies Patent Medicine Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond, conditioned that they not be disposed of until properly relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30786. Adulteration and misbranding of Q-Tips. U. S. v. 51 Dozen Packages and 50 Dozen Packages of Q-Tips (and 1 other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 45203, 45256. Sample Nos. 45171-D, 60075-D, 60076-D.)

This product was represented to consist of boric-tipped sterilized swabs. It contained, however, but a trace of boric acid and when examined it was contaminated with viable micro-organisms. It had been shipped in interstate commerce and remained unsold and in the original packages.

On April 17 and May 3, 1939, the United States attorneys for the District of New Jersey and the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 101 dozen packages of Q-Tips at Hackensack, N. J., and 122 packages of Q-Tips at Tampa, Fla.; alleging that the article had been shipped by John M. Maris Co., Inc., in part on or about January 25, 1939, from Philadelphia, Pa., and in part on or about February 20, 1939, from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Sterilized," since it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the following statements, designs, and devices appearing in the labeling were false and misleading when applied to an article which was not sterile and, therefore, neither safe nor sanitary, and which contained but an inconsequential trace of boric acid: (Carton, both lots) "Safe and Sanitary Boric Tipped"; (display carton, one lot) "Indispensable for Babies Sterilized"; (carton, other lot) "Sterilized"; (circular accompanying one lot) "Sterilized—Safe—Sanitary Swabs * * * Home-made swabs are dangerous, unsanitary and often carry infection. For the uses described in this folder, doctors recommend Q-Tips. Q-Tips are applicators, made * * * then sterilized. * * * tipped with boric acid. The cellophane wrapper protects Q-Tips from germs * * * To safeguard your family, keep Q-Tips in your medicine cabinet and in the nursery. For the Nursery The use of Q-Tips * * * safeguards baby's health and comfort. Cleansing Baby's Nose: Dip Q-Tip in liquid albolene, insert it only into the lower, expanded part of the nostril and twirl gently several times. * * * Cleansing Eyes: For removing hardened mucus, moisten a Q-Tip with boric Acid solution and wipe away gently. For daily cleansing of eyes, pour a weak boric acid solution on the Q-Tip and let it drip gently into the corner of the eye. * * * Q-Tips are ideally clean * * * Speck in Eye: * * * Remove speck by touching gently with * * * Q-Tip moistened."

On May 19 and June 20, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30787. Adulteration and misbranding of Earakine. U. S. v. 21 Packages of Earakine. Default decree of condemnation and destruction. (F. & D. No. 44710. Sample No. 46338-D.)

Each package of this product contained a bottle of a liquid and a box of cotton. When examined the cotton was found to be contaminated with viable micro-organisms. The carton bore false and fraudulent representations regarding the curative and therapeutic effectiveness of the article. It had been shipped in interstate commerce and remained unsold and in the original packages.

On January 27, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 packages of Earakine at Chicago, Ill.; alleging that the article had been shipped on or about August 6, 1938, by C. S. Dent & Co. from Detroit, Mich.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of chloral hydrate, a small proportion of opium, phenol, glycerin, and water.

It was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, "Each Package Contains * * * Box Sterilized Cotton," since the cotton was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the label statement "Each Package Contains * * * Box Sterilized Cotton" was false and misleading. Further misbranding was alleged in that the following statements appearing on the carton were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: "Earakine For the Relief of Earache * * * Pour two or three drops into ear affected."

On March 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*